

Filed for intro on 02/05/2003
SENATE BILL 119 By
Graves

HOUSE BILL 282
By McDonald

AN ACT to amend Tennessee Code Annotated, Title 4 and Title 11, Chapter 3, to enact "The State Parks Management and Preservation Act of 2003".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 11, Chapter 3, is amended by adding Sections 2 through 6 as a new Part 4.

SECTION 2. This act shall be known and may be cited as the "The State Parks Management and Preservation Act of 2003".

SECTION 3.

(a) An independent and separate administrative board of conservation for Tennessee's state parks is created to be known as the Tennessee state parks commission to consist of the commissioner of the department of environment and conservation and thirteen (13) citizen representatives. Nine (9) representatives shall be appointed by the governor, one (1) from each congressional district. Of the nine (9) gubernatorial appointments, four (4) shall be employed or have been employed for the majority of their careers in one (1) of the following areas: archaeology, wildlife management, natural resource management, botanical studies, park and recreation

administration, and natural resource or land planning. One (1) member appointed by the governor shall be the director of the Tennessee State Employees Association. One (1) member each shall be appointed by the speaker of the senate and speaker of the house of representatives. The governor shall appoint a representative from a list of three (3) persons submitted by the Tennessee Recreation and Parks Association and a representative from a list of three (3) persons submitted by the Tennessee Environmental Council. In making these appointments, the governor and the speakers shall strive to ensure racial, age and gender representation.

(b)(1) Each member appointed by the governor shall be confirmed by the house conservation and environment committee and the senate environment, conservation and tourism committee and by joint resolution of the general assembly prior to beginning a term of office.

(2) If the general assembly is not in session at the time a member is appointed by the governor to fill a vacancy resulting from the expiration of the term of a member of the commission appointed by the governor, the member of the commission whose term has expired shall serve until a new appointee is confirmed as provided in this section.

(c) Three (3) of the members appointed by the governor shall serve two (2) years; three (3) of the members shall serve three (3) years; and three (3) members shall serve four (4) years. Upon the expiration of the term of office of the governor-appointed members of the commission, their successors in office shall be appointed in like manner to serve for full four (4) year terms. All other citizen members shall serve four (4) year terms.

(d) The terms of all new members shall begin July 1 of the year in which such appointments are made.

SECTION 4.

(a) The members of the commission shall receive no compensation for their services as members of such commission, except that they shall be paid their actual and necessary travel expenses for four (4) additional regular meetings each year and not more than four (4) called meetings during any one (1) year. They shall also be paid their actual and necessary travel expenses for attending to other commission business as approved by the chair.

(b) All reimbursement for travel expenses shall be in accordance with the provisions of the comprehensive travel regulations as promulgated by the department of finance and administration.

SECTION 5.

(a) The commission shall elect a chair, a vice chair and a secretary as officers of the commission. The secretary may or may not be a member of the commission. These officers shall be elected for a period of one (1) year. After organization, the commission shall hold four (4) regular meetings and may hold no more than four (4) special called meetings in any one (1) year at such times and places as the commission shall elect, for which their expenses shall be paid as provided herein.

(b) Seven (7) members of the commission shall constitute a quorum.

(c) The governor or the governor's designee, shall serve as an ex-officio, non-voting, member of the commission.

(d) Vacancies for an unexpired term of a member of the commission may be filled by the official who made the appointment in the manner outlined herein.

SECTION 6. The Tennessee state parks commission is directed and authorized to perform the following duties:

- (1) Appoint and dismiss the executive director;
- (2) Approve the budget of the state parks agency;

(3) Promulgate necessary rules and regulations pursuant to Title 4, Chapter 5, to implement the provisions of this act;

(4) Establish objectives within the state policy which will enable the Tennessee state parks agency to develop, manage and maintain sound programs of preservation, development and operation of Tennessee's state park resources.

(5) Establish the salary of the executive director of the state parks agency; and

(6) Develop and formulate the state parks master plan as required by Section 9 of this act.

SECTION 7. Tennessee Code Annotated, Title 11, Chapter 3, is further amended by adding Sections 8 through 11 of this act as a new Part 5 thereto.

SECTION 8.

(a) There is hereby created a state parks agency which shall have full and exclusive jurisdiction of the duties and functions relating to state parks formerly held by the division of state parks in the department of environment and conservation, except for those duties and powers conferred upon the state parks commission as provided in Section 6 of this act.

(b) It is the policy of the State of Tennessee that the agency shall place first and foremost the protection and welfare of the state parks in the agency's planning and decisions.

SECTION 9. The state parks agency is directed and authorized to perform the following duties and functions:

(1) Protect, increase, manage and preserve the state parks of this state, and enforce by proper action and proceedings, the existing laws of this state pertaining thereto;

(2) Acquire by purchase, lease, agreement, gift or devise, lands or waters suitable for preservation and use as a state park;

(3) Enter into cooperative agreements with state, federal and other agencies to promote and expand state parks; and

(4) Implement the master plan(s) developed by the executive director and the state parks commission for the management, preservation and expansion of the system of state parks.

SECTION 10.

(a) The office of executive director of the state parks commission is hereby created. The executive director shall also be the executive director of the state parks agency. The executive director shall be appointed by the state parks commission and shall serve at the pleasure of the commission. In the selection of an executive director, the commission shall give preference to a candidate having at least ten (10) years experience in parks and recreation administration with further preference being given to those having a strong background in state park and natural areas practices and who have administrative and supervisory experience.

SECTION 11. Funding for implementation of this act shall be accomplished using existing funds from funds appropriated to the department of environment and conservation by the general assembly and using existing personnel and equipment resources.

SECTION 12. Tennessee Code Annotated, Section 4-29-225(a), is amended by adding a new item thereto, as follows:

() Tennessee state parks commission, created by Section 3 of this act;

SECTION 13. The commissioner is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 14. For the purpose of promulgating rules and regulations, this act shall take effect upon becoming law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2004, the public welfare requiring it.